

### **REMARKS**

Applicant has reviewed and considered the Office Action and the cited references mailed June 3<sup>rd</sup>, 2005, and would like to thank the Examiner for his indication of allowable subject matter.

Claims 1, 3, 8, 10, 15 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian patent No. 2,331,806 (BROOKE et al.). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian patent No. 2,331,806 (BROOKE et al.) in view of US patent No. 6,389,622 (HER et al.).

In response thereto, independent claims 1, 8 and 19 have been amended. Thus, claims 1, 3-8 and 10-19 are still presently pending in the application.

Indeed, independent claims 1, 8 and 19 have been amended so as to patentably distinguish the invention over the prior art on record, namely Canadian patent No. 2,331,806 (BROOKE et al.) and US patent No. 6,389,622 (HER et al.) having been cited by the Examiner.

For example, a major drawback associated with the devices taught by the above-mentioned two (2) references is that their side rail and corresponding crossbars are always maintained fixed within a rigid frame (i.e. fixed and rigid side rail frame), which causes the side rail to take up a lot of unwanted space below the bed frame when it is in the lowered configuration, as better exemplified in Figure 9 of Canadian patent No. 2,331,806 (BROOKE et al.). As can be easily understood from this figure, this holds particularly true if several crossbars are used to form a fixed and "tall" side rail.

In contrast, the above-mentioned prior art problems are overcome with a side rail according to the present invention, which, among its different components and features, comprises a side rail having a plurality of crossbars being each pivotally connected to first and second support bars of the side rail, so as to be collapsible in a lowered configuration, as better exemplified in Figure 3d of the present application. This enables namely a greater clearance below the bed frame when the side rail is in the lowered configuration. Furthermore, it can now also be better appreciated that although the present invention can provide elevated side rails in the raised configuration, by having several cross bars for example, said side rails do not take up a lot of space when in the lowered configuration, due to their collapsible nature, namely thanks to the pivot bar and the corresponding cross bars being pivotally connected to first and second support bars of the side rail according to the present invention, as now better defined in the amended independent claims of the present application.

Hence, in view of the above modifications and information, the Applicant respectfully submits that independent claims 1, 8 and 19 are now new and inventive over the prior art cited. Since all other pending claims depend directly or indirectly on these amended independent claims, and since the dependent claims define distinctively the subject matter which the Applicant regards as his invention, it is also believed that these claims are also new and non-obvious, and thus allowable.

It is to be understood though that no admission is made nor implied by the present amendment as to the fact that the prior art cited may be relevant. Indeed, this amendment is made solely to expedite the prosecution of the present application.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone


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conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. **87367.1900**.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "Leo J. Jennings", written over a horizontal line.

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